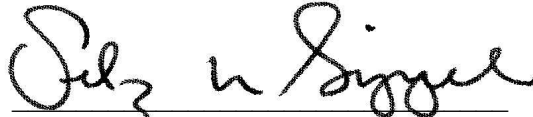


This matter was referred to United States Magistrate Judge Thomas Mummert for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Blanton's Report and Recommendation recommends that the decision of the Commissioner be affirmed and that this case be dismissed.

I agree with Judge Mummert's recommendation. Therefore, I adopt the Report and Recommendation of Judge Mummert.

Accordingly,

IT IS HEREBY ORDERED that the decision of the Commissioner is **AFFIRMED** and that this case is **DISMISSED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 7th day of November, 2006.